



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/524,434	02/15/2005	Rene Djurup	DJURUP1	4128
1444 7590 12/17/2008 BROWDY AND NEIMARK, P.L.L.C. 624 NINTH STREET, NW SUITE 300 WASHINGTON, DC 20001-5303			EXAMINER GUDIBANDE, SATYANARAYAN R	
			ART UNIT 1654	PAPER NUMBER
			MAIL DATE 12/17/2008	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
www.uspto.gov

BROWDY AND NEIMARK, P.L.L.C.  
624 NINTH STREET, NW  
SUITE 300  
WASHINGTON DC 20001-5303

DEC 1 '7 2008

In re Application of:

Djurup et al.

Serial No.: 10/524,434

Filed: February 15, 2005

Attorney Docket No.: **DJURUP1**

:  
:  
: PETITION DECISION  
:  
:

This is in response to the petition under 37 CFR § 1.181, filed December 9, 2008, requesting the review of the examiner's decision of November 25, 2008 which refused entry of the after-final amendment of October 27, 2008.

#### BACKGROUND

Recently, applicants submitted an amendment filed under 37 C.F.R. 1.116 after final Office action on October 27, 2008. In said amendment, applicant proposed to amend claim 74 to recite "X9" and delete "X19".

In response to applicants' amendment filed after final Office action on October 27, 2008, the examiner mailed an Advisory Action on November 25, 2008. In this Advisory Action, the examiner indicated that the amendment filed after final Office action on October 27, 2008 would not be entered because the amendments do not overcome the new matter rejection made in the final Office action of March 19, 2008 (See Advisory Action, PTOL-303).

In response thereto, applicants filed this petition under 37 CFR § 1.181 on December 9, 2008 requesting that the examiner's refusal to enter the amendment filed after final Office action on October 27, 2008 be overturned in favor of applicant.

#### DISCUSSION

The petition and the file history have been carefully considered.

However, it is noted that the examiner has had a telephonic Interview Summary on December 4, 2008 wherein the examiner has indicated to applicants' attorney that after further consideration

of the amendment and review of the prosecution history, the finality of the office action of March 19, 2008 will be withdrawn and a non-final action addressing the issues will follow.

## **DECISION**

Accordingly, the petition is moot and is **DISMISSED**.

This application will be forwarded to the examiner to take an action consistent with this decision.

Should there be any questions about this decision please contact Marianne C. Seidel, by letter addressed to Director, TC 1600, at the address listed above, or by telephone at 571-272-0584 or by facsimile sent to the general Office facsimile number, 703-872-9306.



Remy Yucel  
Director, Technology Center 1600